

HARLEY W. ADAMS  
TIMOTHY J. CLAIBORNE, SR.

IBLA 79-94

Decided August 22, 1979

Appeals from decisions of Colorado State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offers for Parcel No. CO-31.

Affirmed.

1. Oil and Gas Leases: Applications: Generally – Oil and Gas Leases: Applications: Drawings

A simultaneous oil and gas lease offer is properly rejected where the drawing entry card is not signed or dated by the offeror.

APPEARANCES: Harley W. Adams, Timothy J. Claiborne, Sr., pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Harley W. Adams 1/ appeals from a decision of the Colorado State Office, Bureau of Land Management (BLM), dated November 9, 1978, rejecting his simultaneous oil and gas lease offer for Parcel No. CO-31 because it was not signed by the offeror as required by 43 CFR 3112.2-1(a). Appellant's drawing entry card (DEC) was drawn with first priority in the drawing held October 31, 1978.

In his statement of reasons, appellant asserts that he failed to double check the card before putting it in the drop at the BLM office because he was in a rush to visit a relative in the hospital. Also, appellant notes that his signed check should indicate that it was his intention to comply.

The file also includes a decision by the Colorado State Office, BLM, dated November 9, 1978, rejecting the simultaneous oil and gas lease offer of Timothy J. Claiborne, Sr., which was drawn with second

---

1/ Donna E. Adams, who does not appear on the drawing entry card and whose identity is unexplained, also signed the Notice of Appeal.

priority in the same drawing. Again, BLM based its rejection of the offer on appellant's failure to sign the DEC.

Mr. Claiborne notified BLM that he would not appeal, but he submitted a letter which appeared to be a statement of reasons. We are treating it as such in order to determine all issues relating to the lease offers. In the letter Mr. Claiborne says he suspects that BLM did not receive the card he mailed. He stated he knew he signed the card he filed with a "Latin fingerprint" at his signature, as he always did.

We also note that neither Adams nor Claiborne dated his DEC.

[1] Regulation 43 CFR 3112.2-1(a) states that a drawing entry card shall be "signed and fully executed by the applicant or by his duly authorized agent in his behalf." The regulations are mandatory and require strict compliance. The Board has consistently held that entry cards which are not signed or dated must be rejected. Darrell J. Sekin, 40 IBLA 156 (1979); Jack L. MacDowell, 34 IBLA 202 (1978); Adobe Oil and Gas Corp., 34 IBLA 13 (1978); Milo W. Snider, 33 IBLA 42 (1977); Thomas C. Moran, 32 IBLA 168 (1977). As this Board stated in Thomas Buckmann, 23 IBLA 21, 22 (1975), "[T]he signing of the card is the certification of all other statements made on the card."

Since neither the number one or number two drawee signed his DEC as required by 43 CFR 3112.2-1(a), BLM was compelled to reject their lease offers.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are affirmed.

Anne Poindexter Lewis  
Administrative Judge

We concur.

Frederick Fishman  
Administrative Judge

Joan B. Thompson  
Administrative Judge

